

AMENDED IN ASSEMBLY JANUARY 5, 2004

AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1272

Introduced by Assembly Member Dutra

February 21, 2003

~~An act to amend Sections 14104.2, 14104.5, and 14104.7 of~~ *An act to add Section 11713.17 to the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1272, as amended, Dutra. ~~Department of Motor Vehicles; administrative hearings~~ *Vehicles: license plates.*

Under existing law, the Department of Motor Vehicles licenses and regulates dealers of motor vehicles. Existing law requires that when two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear.

This bill would provide that upon the retail sale or lease of a motor vehicle for which the department issues two license plates, a dealer may not deliver the vehicle unless certain conditions are met regarding the securing of the front license plate.

~~Under existing law, administrative hearings involving license denials, revocations, or suspensions under the Vehicle Code are conducted by the Director of Motor Vehicles or by a hearing officer or hearing board appointed by the director from officers or employees of the Department of Motor Vehicles.~~

~~This bill would instead require certain administrative hearings to be conducted by an administrative law judge on the staff of the Office of Administrative Hearings.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 14104.2 of the Vehicle Code is amended~~

SECTION 1. Section 11713.17 is added to the Vehicle Code,
to read:

11713.17. Following the retail sale or lease of a motor vehicle
for which the department issues two license plates, a dealer may
not deliver the vehicle unless either of the following occurs:

(a) The vehicle is equipped with a bracket or other means of
securing a front license plate.

(b) The dealer obtains a signed written acknowledgement from
the person taking delivery of the vehicle that he or she understands
that California law requires a license plate to be displayed from
and securely fastened to the front of the vehicle and that the
hardware necessary to securely fasten the front plate is available
from the dealer.

to read:

~~14104.2. (a) Any hearing shall be conducted by an
administrative law judge on the staff of the Office of
Administrative Hearings.~~

~~(b) The entire proceedings at any hearing may be recorded by
a phonographic recorder or by mechanical, electronic, or other
means capable of reproduction or transcription.~~

SEC. 2. ~~Section 14104.5 of the Vehicle Code is amended to
read:~~

~~14104.5. (a) Before a hearing has commenced, the
administrative law judge shall issue subpoenas or subpoenas duces
tecum, or both, at the request of any party, for attendance or
production of documents at the hearing. After the hearing has
commenced, the administrative law judge may issue subpoenas or
subpoenas duces tecum, or both.~~

~~(b) Notwithstanding Section 11450.20 of the Government
Code, subpoenas and subpoenas duces tecum issued in
conjunction with the hearings may be served by first-class mail.~~

1 ~~SEC. 3. Section 14104.7 of the Vehicle Code is amended to~~
2 ~~read:~~

3 ~~14104.7. At any hearing, the administrative law judge shall~~
4 ~~consider its official records and may receive sworn testimony. At~~
5 ~~the hearing, or subsequent to the hearing with the consent of the~~
6 ~~applicant or licensee, any or all of the following may be submitted~~
7 ~~as evidence concerning any fact relating to the ability of the~~
8 ~~applicant or licensee to safely operate a motor vehicle:~~

9 ~~(a) Reports of attending or examining physicians and surgeons.~~

10 ~~(b) Reports of special investigators appointed by the~~
11 ~~department to investigate and report upon any facts relating to the~~
12 ~~ability of the person to operate a vehicle safely.~~

13 ~~(c) Properly authenticated reports of hospital records, excerpts~~
14 ~~from expert testimony received by the administrative law judge~~
15 ~~upon similar issues of scientific fact in other cases, and the prior~~
16 ~~decision of the director or an administrative law judge upon those~~
17 ~~issues.~~

